

****NOT FOR PRINTED PUBLICATION****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

JAMES E. SYKES	§	
VS.	§	CIVIL ACTION NO. 9:18-CV-88
CECILIA C. OKOYE, ET AL.	§	

**ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ACCEPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff James E. Sykes, a prisoner previously confined at the Eastham Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Cecilia C. Okoye, Mark Roberts, and Ruth E. Brouwer.

The Court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends granting the motion to dismiss filed by defendants Roberts and Brouwer.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation.

The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). For the reasons stated in the Magistrate Judge's Report

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and Recommendation, plaintiff has not shown that Mark Roberts or Ruth Brouwer were deliberately indifferent to his serious medical needs. *Farmer v. Brennan*, 511 U.S. 825, 832 (1994). As a result, the Magistrate Judge correctly concluded that the defendants' motion to dismiss should be granted.

ORDER

Plaintiff's objections (document no. 101) are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge (document no. 95) is **ACCEPTED**. Defendants' motion to dismiss (document no. 78) is **GRANTED**. Defendants Mark Roberts and Ruth Brouwer are **DISMISSED** from this action.

So ORDERED and SIGNED, Mar 26, 2021.

A handwritten signature in black ink, appearing to read 'Ron Clark', is written above a horizontal line.

Ron Clark
Senior Judge